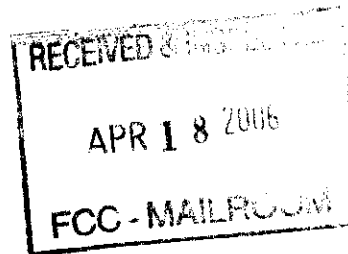


PROGRESSIVE
FINANCIAL SERVICES INC



April 10, 2006

Chairman Kevin J. Martin
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RE: CG Docket No. 02-278

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As you know, the Telephone Consumer Protection Act (TCPA) was passed in 1991. This law was designed to protect consumers from invasive calls from telemarketers. One of the provisions of the TCPA prohibits the use of an autodialer to communicate with a consumer by way of their cell phone.¹ Between 1991 and 2003, the FCC consistently ruled that this autodialer prohibition did not apply to calls made using an autodialer *if the sole purpose of the calls was to recover payments for goods and services already purchased.*

But in July 2003, the FCC took a dramatic shift in its position about the applicability of the autodialer prohibition to the credit and collection industry when it expanded the statutory definition of autodialer to include predictive dialers. By expanding the definition of autodialer and failing to restate the commission's prior rulings that calls made by creditors and debt collectors to consumers' about their past due payment obligations by way of their cell phones were not subject to the autodialer prohibition, the FCC inadvertently brought calls my company makes for the sole purpose of recovering past due payment obligations from consumers within the scope of the regulation. This shift in policy has caused my business substantial harm. We recently spent over \$300,000.00 purchasing a new auto dialer to assist in collecting defaulted Student Loan account for the United States Department of Education. If we are not able to use this equipment in our collections efforts it will directly impact the amount of money we are able to return to the US Department of Education, and by extension the amount of money

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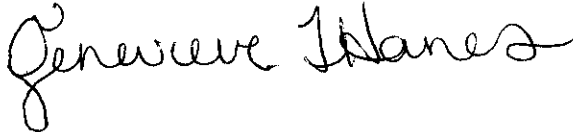
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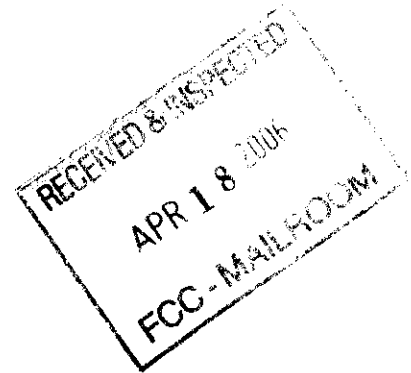
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Genevieve T. Hanes

cc: ACA International

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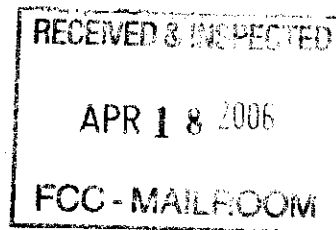
Sincerely,



Frank Celaya

cc: ACA International

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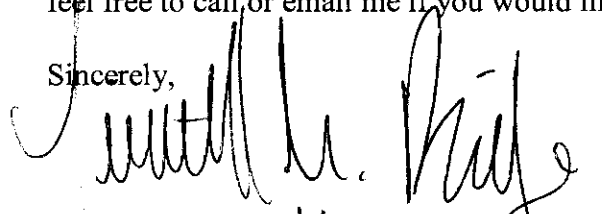
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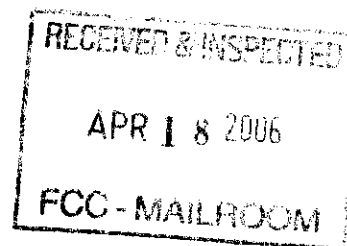
Sincerely,



TIMOTHY N. BRIDGE

cc: ACA International

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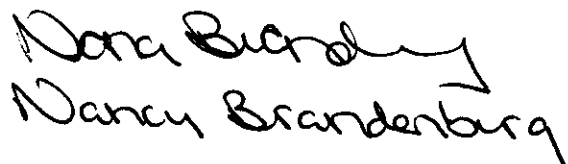
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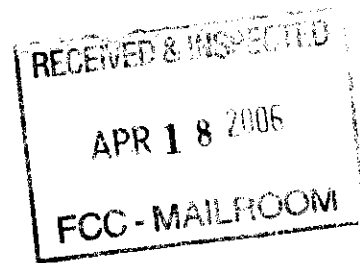
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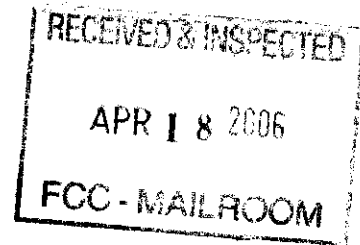
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As you know, the Telephone Consumer Protection Act (TCPA) was passed in 1991. This law was designed to protect consumers from invasive calls from telemarketers. One of the provisions of the TCPA prohibits the use of an autodialer to communicate with a consumer by way of their cell phone.¹ Between 1991 and 2003, the FCC consistently ruled that this autodialer prohibition did not apply to calls made using an autodialer *if the sole purpose of the calls was to recover payments for goods and services already purchased.*

But in July 2003, the FCC took a dramatic shift in its position about the applicability of the autodialer prohibition to the credit and collection industry when it expanded the statutory definition of autodialer to include predictive dialers. By expanding the definition of autodialer and failing to restate the commission's prior rulings that calls made by creditors and debt collectors to consumers' about their past due payment obligations by way of their cell phones were not subject to the autodialer prohibition, the FCC inadvertently brought calls my company makes for the sole purpose of recovering past due payment obligations from consumers within the scope of the regulation. This shift in policy has caused my business substantial harm. We recently spent over \$300,000.00 purchasing a new auto dialer to assist in collecting defaulted Student Loan account for the United States Department of Education. If we are not able to use this equipment in our collections efforts it will directly impact the amount of money we are able to return to the US Department of Education, and by extension the amount of money

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If the FCC's 2003 regulatory definition of autodialer is allowed to stand, creditors and their debt collection agents face the devastating loss of an essential technological tool, namely the autodialer. It cannot be overstated that autodialer technology is directly or indirectly responsible for returning tens of billions of dollars each year to the U.S. economy. Banning their use in this limited context would not only be inconsistent with Congress' intent, but it would be an unconscionable interference with creditors' ability to request payment from its own customers. Additionally, one of the largest creditors in the United States is the federal government. If the FCC does not clarify that the autodialer prohibition does not apply to those making calls to collect past due payment obligations, the federal government will be forced to discontinue its use of autodialers to recover past due payment obligations from tax payers. Such a result would be devastating to the federal government, including the FCC, Department of the Treasury, Department of Education and the Internal Revenue Service and cause all citizens who lawfully pay their federal taxes and other payments owed to the federal government to suffer substantial harm.

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Moreover, wireless phone usage has grown exponentially since 1991 when the TCPA was enacted. Today, more than one out of every five Americans under the age of 35 does not have a landline phone and instead uses a wireless phone as their exclusive means of

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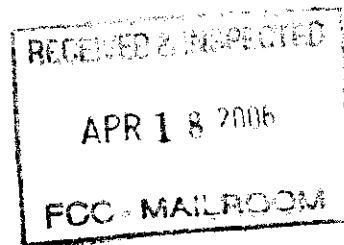
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Sincerely,

DAWN MORELOS
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cc: ACA International

PROGRESSIVE
FINANCIAL SERVICES INC



April 10, 2006

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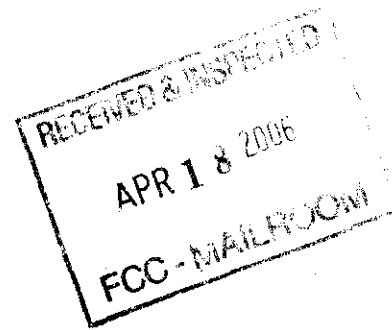
Sincerely,

A handwritten signature in black ink, appearing to read "Misty Moulinet". The signature is fluid and cursive, with the first name "Misty" and last name "Moulinet" clearly distinguishable.

cc: ACA International

misty moulinet

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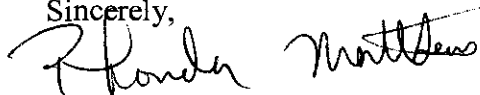
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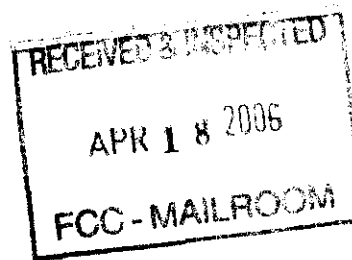
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A handwritten signature in black ink, appearing to read "Rhonda Matthews". The signature is written in a cursive, flowing style.

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A handwritten signature in black ink, appearing to read "M. DeLeon", with a long horizontal flourish extending to the right.

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